

REMARKS

In response to the Office Action mailed December 14, 2004, Applicant proposes to amend his application and requests reconsideration in view of the proposed amendment and following remarks.

Claims 1-3, 5, and 9-16 are pending in this patent application. Claims 9-16 are allowed.

Claims 1-3 and 5 were rejected as indefinite in the Office Action mailed December 14, 2004. According to the Office Action at page 2, claim 1 is indefinite because it omits "essential structural cooperative relationships of elements". The specific relationship allegedly omitted relates to the description regarding the battery chamber. According to the Office Action, claim 1 is unclear in referring to an internal part and an external part. Applicant respectfully disagrees that the relationships mentioned in claim 1 are unclear or that any essential relationships are omitted.

It is apparent that claim 1 is directed to a battery-operated lighting device, i.e., a flashlight. The flashlight includes a battery chamber, but unlike many conventional flashlights, the battery chamber, by itself, is not completely closed. Rather, as in many presently commercially available battery-powered power tools, the battery chamber accepts a projecting part of the rechargeable battery to make electrical connections. Another part of the rechargeable battery essentially closes the open end of the battery chamber. This arrangement is illustrated in the figures of the patent application.

Figure 3 shows a typical rechargeable battery with a stem 214 that projects from the battery and is received in the internal part of the battery chamber of the flashlight. Another part of the battery, the body 210, stays outside the battery chamber. An upper surface 211 of the body 210 of the battery, as shown in Figure 3 of the patent application, engages an end-forming part of the battery chamber. As can be seen from Figures 1 and 2 of the patent application, when the stem 214 of the battery 200 is inserted in the battery chamber, the stem 214 is not externally visible because it is in the internal part of the battery chamber. The surface 211 of the battery forms, with the opening of the end-forming part of the battery chamber, a smooth, continuous, and visually pleasing structure. As can also be seen in those Figures 1 and 2, the body 210 of the battery protrudes outwardly from the end-forming part of the battery chamber. Since the battery is typically relatively heavy, and heavier than the other parts of the flashlight, it forms a weighted base of the flashlight, when present.

Claim 1 is directed to the battery-operated lighting device with the battery as an environmental element, not an element of the claimed invention. Upon studying the paragraph of claim 1 describing the battery chamber and its various parts, it was concluded

that comprehensibility of that paragraph could be improved by changing the format of the paragraph as well as changing, in two locations, the grammar of the paragraph. Those format and grammatical changes are made in the proposed Amendment. It is believed that these changes make clear the relationship between the battery chamber and the battery or battery pack that detachably engages the battery chamber and supplies power for operating the light bulb. To provide additional assistance, without limiting the scope of claim 1, the amended paragraph is reproduced below and reference numbers, taken from the specification and drawing of the patent application are inserted for the aid of the Examiner and to demonstrate that claim is definite.

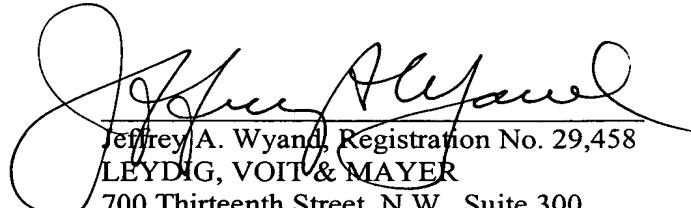
a battery chamber (150) having
an internal part (150A) located within said second casing part
and receiving a
first portion (214) of any of the battery packs (200), and
an external part (150B) including an end-forming part (114)
having an opening
(152) extending into the internal part (150A) of said battery chamber
(150), the end-forming part (114) engaging a second portion (211) of a
battery pack (200) of which the first portion (214) is inserted into the
internal part (150A) of said battery chamber (150), with the second
portion of the battery pack protruding from the end-forming part (114)
of said battery chamber (150) and from said casing (110) as a weighted
base for said battery-operated lighting device.

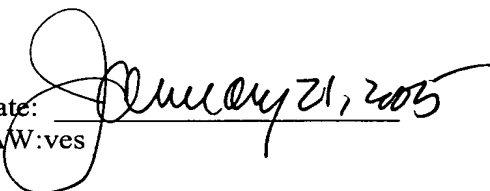
The clarifying amendment of claim 1 concerns only formalities and does not substantively alter claim 1. The amendment responds completely to a non-substantive rejection based on the form of the claim. The amendment overcomes the rejection as to form. Since there was no separate rejection of claims 2, 3, and 5, it is apparent that their rejection was based upon the rejection of claim 1. Further, there was no prior art rejection of any of claims 1-3 and 5. The foregoing amendment places claims 1-3 and 5 in form for allowance without raising any new issue requiring any further search or substantial deliberation. Therefore, the amendment should be entered and claims 1-3 and 5 allowed along with claims 9-16.

In re Appln. of YUN KEUNG STANLEY TANG
Application No. 09/988,247

Prompt and favorable action is earnestly solicited.

Respectfully submitted,


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